

ORDINANCE NO. 2002- 10

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CODE OF LAWS OF LEON COUNTY, RELATING TO BOARDS, AUTHORITIES, COMMISSIONS AND SIMILAR AGENCIES; ADDING A NEW DIVISION 4 ENTITLED "ENTERPRISE ZONE DEVELOPMENT AGENCY"; PROVIDING FOR CREATION OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR THE ADMINISTRATION AND OPERATION OF THE AGENCY; PROVIDING FOR THE BOARD OF COMMISSIONERS OF THE AGENCY; PROVIDING FOR THE TERMS OF DURATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 28, 2002, the Board of County Commissioners adopted Resolution No. R02- 15, therein delineating the Nominated Area for an Enterprise Zone located within the geographic boundaries of Leon County and including significant portions of the City of Tallahassee, which chronically exhibits unacceptable levels of poverty, unemployment, physical deterioration and economic disinvestment; and

WHEREAS, Section 290.0056, Florida Statutes, provides for the establishment of an Enterprise Zone Development Agency, including the appointment of a Board of Commissioners of the Agency.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. The Code of Laws of Leon County, Florida, is hereby amended by adding Division 4 to Article III of Chapter 2, relating to Boards, Authorities, Commissions and Similar Agencies, which Division shall read as follows:

DIVISION 4. ENTERPRISE ZONE DEVELOPMENT AGENCY

Sec. 2-90. Creation.

There is hereby created pursuant to the provisions of Section 290.0056, Florida Statutes, the Enterprise Zone Development Agency (hereinafter referred to as "EZDA" or "Agency") for the Leon County/City of Tallahassee Enterprise Zone.

Sec. 2-91. Powers and duties.

(a) The Agency shall have the powers and duties as prescribed by § 290.0056(8), Florida Statutes, which shall include as follows:

- (1) To assist in the development and implementation of the strategic plan for the Enterprise Zone.
- (2) To oversee and monitor the implementation of the strategic plan for the Enterprise Zone. The Agency shall make quarterly reports to the Board of County Commissioners of Leon County (hereinafter referred to as the "County Commission") and the City of Tallahassee Commission (hereinafter referred to as the "City Commission"), evaluating the progress in implementing the strategic plan.
- (3) To identify and recommend to the County Commission and the City Commission ways to remove regulatory barriers.

1 (4) To identify to the County Commission and the City Commission the financial
2 needs of, and local resources or assistance available to, eligible businesses
3 within the Enterprise Zone.

4 (b) In addition to the powers and duties described in Sec. 2-91(a) above, the Agency shall
5 be an advisory body to the County Commission and the City Commission, and shall have the powers
6 and duties to:

7 (1) Call and hold meetings from time to time as the Agency may deem
8 appropriate, for the purpose of reviewing the business of the Agency and
9 making recommendations to the County Commission and City Commission.

10 (2) File annually with the County Commission and the City Commission, on or
11 before March 31 of each year, a report of the Agency's activities for the
12 preceding fiscal year, which report shall include a complete financial
13 statement setting forth its assets, liabilities, income, and operating expenses
14 as of the end of such fiscal year. At the time of filing the report, the Agency
15 shall publish in a newspaper of general circulation a notice to the effect that
16 such report has been filed with Leon County and the City of Tallahassee, and
17 that the report is available for inspection during business hours in the office
18 of the Leon County Clerk, the City of Tallahassee Clerk, and the office of the
19 Agency, if applicable.

20 (3) Prior to December 1 of each year, submit to the State Office of Tourism,
21 Trade, and Economic Development a complete and detailed written report
22 setting forth the following:

- a. the Agency's operations and accomplishments during the fiscal year;
- b. the accomplishments and progress concerning the implementation of the strategic plan;
- c. the number and type of businesses assisted by the Agency during the fiscal year;
- d. the number of jobs created within the Enterprise Zone during the fiscal year;
- e. the usage and revenue impact of state and local incentives granted during the calendar year; and
- f. any other information required by the Office of Tourism, Trade, and Economic Development.

(c) Additional powers and duties for the Agency may be prescribed by subsequent adoption of an interlocal agreement of the County and the City, consistent with the provisions of Section 290.0056, Florida Statutes.

Sec. 2-92. Board of Commissioners; appointment; membership; term; removal.

(a) The members of the Board of Commissioners of the Agency (hereinafter referred to as the "Agency Board") shall be appointed by resolution of the County Commission, and shall consist of eleven (11) members (hereinafter referred to as "Agency Commissioner" or "Agency Commissioners").

(b) The Agency Commissioners shall consist of one representative from each of the following groups or offices:

AGENCY BOARD	Initial Term	Subsequent Term
Statutory Representatives		
Chamber of Commerce	4 years	4 years
Local finance or insurance entity	4 years	4 years
Business operating within the Enterprise Zone	4 years	4 years
Resident residing within the Enterprise Zone	4 years	4 years
Non-profit, community-based organization operating within the Enterprise Zone	4 years	4 years
Local Workforce Development Board	4 years	4 years
Local Code Enforcement Agency	1 year	4 years
Local Law Enforcement Agency	3 years	4 years
Additional Representatives		
Chairperson of the Board of County Commissioners, or designee	3 years	4 years
Vice-Chairperson of the Board of County Commissioners, or designee	2 years	4 years
Mayor of the City of Tallahassee, or designee	2 years	4 years

(c) The resolution of the County Commission appointing an Agency Commissioner shall constitute a certificate of the appointment or reappointment of the Agency Commissioner. The resolution shall be filed with the clerk of the County, and shall be conclusive evidence of the due and proper appointment of the Agency Commissioner.

(d) The term of office of each Agency Commissioner shall be four years, except that the initial Agency Commissioners shall serve an initial term as indicated in Sec. 2-92(b). Each Agency Commissioner shall hold office until a successor has been appointed.

1 (e) The County Commission may remove an Agency Commissioner for inefficiency,
2 neglect of duty, or misconduct in office only after a hearing, and only if the Agency Commissioner
3 has been given a copy of the charges at least ten (10) days prior to the hearing and has had an
4 opportunity to be heard in person or by counsel, as provided in Section 290.0056(7), Florida
5 Statutes.

6 **Sec. 2-93. Administration; operation.**

7 (a) The Chair of the Agency Board shall be the Chairman of the Leon County Board of
8 County Commissioners, or his or her designee, and the Vice-Chair of the Agency Board shall be the
9 mayor of the City of Tallahassee, or his or her designee.

10 (b) The Agency Board may employ officers, agents or employees to serve its needs as
11 prescribed by Section 290.0056(5), Florida Statutes, upon authorization delineated in a subsequently
12 adopted interlocal agreement of the County and the City.

13 (c) The Agency Board may adopt bylaws and procedures as are needed to conduct the
14 business and affairs of the Agency, not inconsistent with this ordinance or a subsequently adopted
15 interlocal agreement of the County and the City.

16 (d) The Agency Board shall meet at such times and places as the Chair, or his or her
17 designee, deems appropriate in order to fulfill the responsibilities and duties of the Agency and the
18 Agency Board as established by this ordinance.

19 (e) The Agency Board shall hold all meetings open to the public, upon due notice
20 published in a newspaper of general circulation, and shall have minutes of meetings prepared and
21 filed with the County Clerk and the City Clerk.

1 (f) The Agency Board shall comply with all applicable requirements of Florida's
2 Sunshine Law, Public Records laws, and the Code of Ethics for public representatives.

3 (g) A simply majority of the Agency Board shall constitute a quorum. Vacancies shall
4 not be counted in the determination of a quorum.

5 (h) In the event the Agency Board finds it necessary to appoint sub-committees, said
6 sub-committees shall act as fact finding bodies only, with their sole purpose to report research issues
7 and/or to report factual findings to the Agency Board. The operations of such sub-committees and
8 their meetings are subject to the same requirements as are applicable to the Agency Board.

9 (i) An Agency Commissioner shall receive no compensation for his or her services, but
10 shall be entitled to payment of reasonable and necessary expenses incurred in the discharge of his
11 or her duties.

12 **Sec. 2-94. Duration; authority to amend or modify.**

13 The Agency shall continue in existence for the designation period of the Enterprise Zone;
14 however, nothing herein shall restrict the authority of the County Commission to amend or modify
15 this ordinance.

16 **Section 2. Conflicts.** All ordinances or parts of ordinances in conflict with the
17 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent
18 of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which
19 provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or
20 in part, with the said Comprehensive Plan.

21 **Section 3. Severability.** If any word, phrase, clause, section or portion of this ordinance
22 shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words

1 shall be deemed a separate and independent provision and such holding shall not affect the validity
2 of the remaining portions thereof.

3 **Section 4. Effective Date.** This ordinance shall have effect upon becoming law.

4 **DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon County,
5 Florida, this 11th day of June, 2002.



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14 **ATTESTED BY:**
15 **BOB INZER, CLERK OF THE COURT**

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17
18 BY: [Signature]
19 **CLERK**

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21 **APPROVED AS TO FORM:**
22 **COUNTY ATTORNEY'S OFFICE**
23 **LEON COUNTY, FLORIDA**

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25
26 BY: [Signature]
27 **HERBERT W.A. THIELE, ESQ.**
28 **COUNTY ATTORNEY**
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LEON COUNTY, FLORIDA

BY: [Signature]
DAN WINCHESTER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS